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*Attorney for United States of America*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

v.

NICHOLAS OMARJUEEN LEWIS,

Defendant.

Case No. 2:17-mj-00598-VCF

**STIPULATION TO CONTINUE  
PRELIMINARY HEARING  
(FIRST REQUEST)**

IT IS HEREBY STIPULATED AND AGREED, by and between Steven W. Myhre, Acting United States Attorney, and Frank Johan Coumou, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Raquel Lazo, Assistant Federal Public Defender, counsel for Nicholas Omarjueen Lewis, that the Preliminary Hearing currently scheduled for June 5, 2017 at 4:00 p.m. be vacated and set to a date and time convenient to this Court, in fourteen (14) days.

///

1 The Stipulation is entered into for the following reasons:

- 2 1. Counsel for the Defendant and the Government are awaiting discovery.
- 3 2. Counsel for the Defendant and the Government have discussed possible
- 4 resolution.
- 5 3. The Defendant is incarcerated and does not object to the continuance.
- 6 4. The parties agree to the continuance.
- 7 5. The additional time requested herein is not sought for purposes of delay, buy
- 8 merely to allow counsel for both parties sufficient time within which to receive
- 9 and review discovery and be able to effectively analyze the case.
- 10 6. Additionally, denial of this request of continuance could result in a miscarriage of
- 11 justice. The additional time requested by this Stipulation is excusable in
- 12 computing the time within which the preliminary hearing herein must commence
- 13 pursuant to the Speedy Trial Act, Title 18, United States Code, Section
- 14 3161(h)(1)(G) and 3161(h)(7)(A).
- 15 7. This is the first stipulation to continue filed herein.

16 **DATED** this 1<sup>st</sup> day of June, 2017.

17 Respectfully submitted,

18  
19 RENE L. VALLADARES  
Federal Public Defender

STEVEN W. MYHRE  
Acting United States Attorney

20  
21 /s/  
RAQUEL LAZO  
Assistant Federal Public Defender  
22 Counsel for Nicholas Omarjuen Lewis

/s/  
FRANK J. COUMOU  
Assistant United States Attorney

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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7 United States of America,

8 Plaintiff,

9 v.

10 NICHOLAS OMARJUEEN LEWIS,

11 Defendant.  
12

Case No. 2:17-mj-00598-VCF

ORDER TO CONTINUE  
PRELIMINARY HEARING  
(FIRST REQUEST)

13 **FINDINGS OF FACT**

14 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
15 Court finds that:

- 16 1. Counsel for the Defendant and the Government are awaiting discovery.  
17 2. Counsel for the Defendant and the Government have discussed possible  
18 resolution.  
19 3. The Defendant is incarcerated and does not object to the continuance.  
20 4. The parties agree to the continuance.  
21 5. The additional time requested herein is not sought for purposes of delay, but  
22 merely to allow counsel for both parties sufficient time within which to receive  
23 and review discovery and be able to effectively analyze the case.  
24

6. Additionally, denial of this request of continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excusable in computing the time within which the preliminary hearing herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(G) and 3161(h)(7)(A).

7. This is the first stipulation to continue filed herein.

## CONCLUSIONS OF LAW


The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, and possibly resolve the case prior to the preliminary hearing or an indictment, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendant's consent, pursuant to Federal Rules of Procedure 5.1(d).

## ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for June 5, 2017, at the hour of 4:00 p.m., be vacated and continued to June 20, 2017 at the hour of 4:00 ~~am~~/pm.

DATED 1<sup>st</sup> day of June, 2017.

  
THE HONORABLE CAM FERENBACH  
UNITED STATES MAGISTRATE JUDGE